

REMARKS/ARGUMENTS

This Amendment and Response is promptly filed to place the above-referenced case in condition for immediate allowance.

The status of the claims is as follows:

<u>Cancelled:</u>	None
<u>Amended:</u>	1, 8, 10, and 13
<u>Added:</u>	None; and
<u>Currently outstanding:</u>	1 – 16.

No new matter has been added to the application.

From the outstanding Office action: Certain comments were made regarding the Information Disclosure Statement and the Specification. Additionally, the Examiner indicated that changes were needed to the drawings. As set forth in more detail below, action has been taken with regards to all of these matters.

With respect to the claims, claims 1 – 5, 7 – 10, and 12 stand rejected under 35 O.K. 103(a) as being unpatentable over the Park '266 patent in view of the Durdola '887 design patent. Claims 6, 11, and 13 – 16 stand rejected under 35 O.K. 103(a) as being unpatentable over the Park patent in view of the Durdola design patent as before and further in view of the Woehl '514 patent.

Reconsideration is respectfully requested.

With regards to the legible copies of each cited foreign patent document, the indicated WIPO publications are included herewith. Note should be taken that in light of the amended claims, neither of these two publications anticipate or make obvious Applicant's claims.

A new disclosure is submitted without underlining or bolding of the section headlines.

The title has been amended per the Examiner's suggestion.

The drawings have not been amended due to the amendments made to claim 13 which renders such drawing amendments moot.

With respect to the claim rejections, Applicant's claimed subject matter now includes an oval visor which substantially circumscribes the lower peripheral edge of the body. As none of the references include such a visor, nor is such a visor taught, indicated, motivated, or otherwise disclosed in any combination of the references, Applicant believes that the claims now define patentable subject matter.

Applicant has amended the specification to include a text description of the circumscribing oval visor. Such amendment to the specification does not introduce new matter as the drawings alone will provide the "written description" of the invention in satisfying the requirement of 35 O.K. § 112. Vas-Cath Inc. v. Mahurkar, 935 F.2d 1595, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991).

The Examiner has also cited a number of patents and publications as pertinent to the presently claimed invention. Since none of these have been relied upon as a reference against Applicant's claims, no further comment is deemed necessary.

In view of the above, the Examiner is respectfully requested to reconsider his position in view of the remarks made herein and the structural distinctions now set forth. The Examiner's rejections of the outstanding claims are believed to no longer apply. It is now believed that this application has been placed in condition for allowance, and such action is

respectfully requested. Prompt and favorable action on the merits is earnestly solicited.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The statements made herein with respect to the disclosures in the cited references represent the present opinions of the undersigned attorney. In the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective references providing the basis for a contrary view.

If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant invites the Examiner to contact Applicant's representative at the number listed below.

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicant respectfully requests the Examiner to pass the application on to allowance. It is not believed that any additional fees are due; however, in the event any

///

///

///

PATENT

Appl. No. 10/723,550

Amdt. dated August 29, 2005

Reply to Office action of 06/28/2005

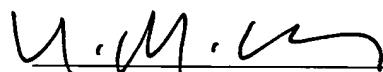
03-12538

additional fees are due, the Examiner is authorized to charge Applicant's Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: August 30, 2005



Donald M. Cislo

Reg. No. 22,060

Tel.: (310) 451-0647 x123

DMC/ASJ:kr/at

Enclosure

Disclosure Where The Underlining To The Section Headings Has Been Removed

Foreign references listed in prior IDS/IDC

Acknowledgement Postcard

CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401
Tel: (310) 451-0647
Fax: (310) 394-4477
Customer No.: 25,189
www.cislo.com

t:\03-12538\reply to first office action for yan's pony tail cap.doc

PATENT

Appl. No. 10/723,550

Amdt. dated August 29, 2005

Reply to Office action of 06/28/2005

03-12538

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States

Postal Service as first class mail in an envelope addressed to:

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on:

8-30-05

D. M. Cislo
Donald M. Cislo, Reg. No. 22,060

8-30-05

Date

t:\03-12538\reply to first office action for yan's pony tail cap.doc
August 29, 2005